

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

|                                 |   |                             |
|---------------------------------|---|-----------------------------|
| DeLAGE LANDEN FINANCIAL         | : |                             |
| SERVICES, INC.,                 | : |                             |
| Plaintiff                       | : | CIVIL ACTION NO. 02-CV-2810 |
|                                 | : |                             |
| and                             | : |                             |
|                                 | : |                             |
| TOSHIBA AMERICA MEDICAL         | : |                             |
| SYSTEMS, INC.,                  | : |                             |
| Plaintiff/Intervenor            | : |                             |
|                                 | : |                             |
| v.                              | : |                             |
|                                 | : |                             |
| DeSOTO DIAGNOSTIC IMAGING, LLC, | : |                             |
| RANDON J. CARVEL, LYNN T.       | : |                             |
| CARVEL, DELTA RADIOLOGY, P.C.   | : |                             |
| and ZOBAR PROPERTIES, LLC,      | : |                             |
| Defendants and Counter-         | : |                             |
| Claimants                       | : |                             |

**ORDER**

AND NOW, on this 2<sup>nd</sup> day of December, 2003, upon consideration of Plaintiff Intervenor's Motion to Compel Discovery Directed to Defendants and for Expedited Relief (Docket No. 58) and Defendants' Opposition to Plaintiff's Motion to Compel Discovery Directed to Defendants and for Expedited Relief (Docket No. 70), Plaintiff Intervenor's Motion to Compel Discovery Directed to Defendants and for Expedited Relief is **GRANTED** in part and **DENIED** in part.

To the extent Defendants have not already produced the requested documents, Defendants are **ORDERED** to comply with the following:

1. With respect to all requests for document production listed in this motion, with the exception of Document Requests Nos. 28, 29 and 30, all such requests are **GRANTED**.

Defendants will provide Plaintiff Intervenor TAMS with the requested documents with the indicated particularity as outlined in Plaintiff Intervenor's request for documents, and clarified in Plaintiff Intervenor's present motion.

2. With respect to Document Requests Nos. 28, 29 and 30, such requests are **DENIED** provided that no claim or defense of the Defendants is based upon a malfunction involving the AGFA PACS system or the radiology information system ("RIS").

It is further **ORDERED** that where Defendants determine there are no responsive documents to Plaintiff Intervenor's request, Defendants shall affirmatively so state in their formal response to Plaintiff's document request. Defendants shall comply with this order by December 15, 2003.

BY THE COURT:

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RONALD L. BUCKWALTER, J.